

4-26-01

CPA 1027/9



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 C.F.R. § 1.10, addressed to Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231, on April 24, 2001.

Typed or Printed Name: Mark Rancifer

Signed:

M Rancifer

Address to: Box CPA
Assistant Commissioner for
Patents
Washington, D.C. 20231

Attorney Docket No.	A-68104/DJB/RMS/JJD
First Named Inventor	FISHER, et al.
Examiner Name	T. Wessendorf
Group/Art Unit	1627
Express Mail Label No.	EL 758644374US

This is a request for ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior
application number 09/293,670

filed on April 16, 1999

, entitled

**MULTIPARAMETER FACS ASSAYS TO DETECT
ALTERATIONS IN CELLULAR PARAMETERS AND
TO SCREEN SMALL MOLECULE LIBRARIES**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☒ Enter the unentered amendment previously filed on January 5, 2001
under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
.....
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
- Information Disclosure Statement (IDS) is enclosed: 04/27/2001 CONTINUING DISCLOSURE STATEMENT
 - ☐ PTO-1449 01 02 2001
 - ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	RATE	(5) CALCULATIONS
Total Claims (37 C.F.R. § 1.16(c) or (j))		14 - 20 =	0	X \$ 18	\$ 0
Independent Claims (37 C.F.R. § 1.16(b) or (i))		2 - 3 =	0	X \$ 80	\$ 0
	Multiple dependent claims (if applicable) (37 C.F.R. § 1.16(d))			+ \$ 270	\$ 0
				BASIC FEE (37 C.F.R. § 1.16)	\$ 710
			TOTAL OF ABOVE CALCULATIONS =		\$ 710
	Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§ 1.9, 1.27, & 1.28.)				\$ 355
			TOTAL =		\$ 355

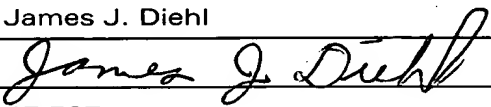
6. Small entity status: applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1300 (Order No. A-68104/RMS/JJD):
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18.
8. ☒ Check no. 35366 for \$355.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of ____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed as check no. ____.
11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A).
- b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

14. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> New correspondence address below	
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Address					
City		State		Zip Code	
Country		Telephone		Fax	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James J. Diehl
Signature	
Registration No. (Attorney/Agent)	47,527
Date	April 24, 2001